

### **REMARKS**

Claims 1, 4-6, 8-10, 15-17, 20 and 22-25 are pending in this application. Claims 2, 3, 7, 11-14, 18, 19, 21, 26 and 28 have been cancelled without prejudice or disclaimer. Claims 27 and 29 were previously cancelled. Claims 1, 15-17, 20, 22, and 25 have been amended to be commensurate in scope with the subject matter determined to be allowable in the previous Office action. Accordingly, no new matter has been introduced by these amendments.

In paragraph 4 of the Office action, it was indicated that two documents were not considered because the English language translations were not provided. This is not a proper basis for denying consideration of a document as translation is required only when available to applicant. It is particularly inappropriate in this case with respect to WO 96/13264 that was cited in the international search report in the corresponding PCT application that was supplied to the Office at the time of filing this application. Where a document is not in the English language, but was cited in a search report, the requirement for a concise explanation of relevance is satisfied by submitting an English-language version of the search report citing the document. MPEP 609.04(a)(III). Accordingly, the examiner is requested to indicate that this document has been considered in accordance with Office policy and practice. MPEP 609.05(b).

Claims 1-25 were objected to as containing non-elected subject matter. This objection is moot in view of the amendments made to the claims.

Claims 17-21 were rejected under 35 U.S.C. § 112, first paragraph, as being nonenabling for certain subject matter that was within the scope of the rejected claims. While applicants disagree with this conclusion, this rejection has been rendered moot by

cancellation of claims 18, 19, and 21, and the amendment of claims 17 and 20.

Accordingly, this rejection should be withdrawn.

Prompt and favorable reconsideration of this application is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

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